

INTERGOVERNMENTAL AGENCY AGREEMENT

THIS AGREEMENT, entered into this 8 day of MARCH, 1976, between the State of Arizona, acting by and through its Department of Transportation, hereinafter called "State" and the City of Mesa, a municipal corporation, acting by and through its City Council, hereinafter called "City",

WITNESSETH: That City has developed plans for a comprehensive storm drainage system for the entire city based on design criteria of two (2) and ten (10) year return frequency storms, and

That State has developed plans for State Route 360 (Superstition Freeway) with drainage features using design criteria for a fifty (50) year return frequency storm so as to meet State design standards, and

That it will be mutually beneficial to combine the two plans within the city limits of Mesa into an interrelated system which will permit the utilization of City's detention basins with a storage capacity for a fifty (50) year return storm and State's channel to connect said detention basins thus providing a complete system for City and protection for the freeway. Said interrelated system being based on Yost and Gardner's report of February, 1975. Pages 23 - 25 and Figures 5.3 and 6.1 of said report are attached hereto as Exhibit "A", and

That such combining of the two systems will require additional facilities not included in City's plans.

THEREFORE, pursuant to A.R.S. 28-108, the parties hereto covenant and agree as follows:

City shall:

1. Acquire title to all lands required for detention basins according to said Yost and Gardner's report and two additional areas not presently included in its plans, one east of Center Street and south of the freeway and the other east of Dobson Road and north of the Western Canal, which will be substituted for basins numbered 1 and 4 of said report as shown on said Exhibit "A".

2. Design, construct, operate and maintain all basins and drainage channels, pumping stations and outlet pipes which lie outside of the freeway right of way, pursuant to said report.

a. Such acquisition shall be completed and construction shall commence by July 1, 1977 to accommodate construction of the Superstition Freeway and said acquisition and construction shall utilize funds allocated for the development of said storm drainage system.

3. Grant and does hereby grant a right of entry to State to enter upon such lands of City as shall be needed to connect the detention basins to the drainage channels to be constructed within the freeway right of way.

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4. Grant and hereby does grant permission to State to convey all flows including flows in excess of the capacity of the highway drainage channel North of and parallel with the freeway to the detention basins.

State shall:

1. Compensate City for all costs related to the acquisition and excavation of the two additional detention basins as set out in Number 1 above.

2. Design, construct, operate and maintain all drainage facilities and the drainage channel within the freeway right of way.

a. Such compensation and construction to be done from funds allocated for the construction of Superstition Freeway.

3. Grant and does hereby grant a permit to City to enter upon such lands of State as needed to connect the detention basins pumping station outfalls to the drainage channel within the freeway right of way. Also there is hereby granted to City a permit to make a direct connection of the existing Alma School Road storm drain pipe to the drainage channel within the freeway right of way.

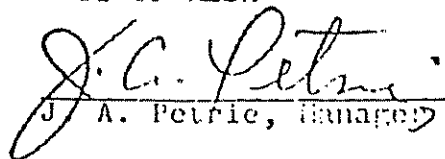
It is understood and agreed that no provision herein shall be interpreted or applied so as to violate or void any existing agreements for drainage purposes between the parties hereto and other parties.

The parties hereto also agree that no permit(s) shall be issued to the Salt River Project allowing the discharge of any amount of irrigation waste water into the proposed drainage system hereby created except on the condition that the Salt River Project issue a permit to City or State to pump into its water distribution system at a location acceptable to all parties, an amount equal to their discharge request.

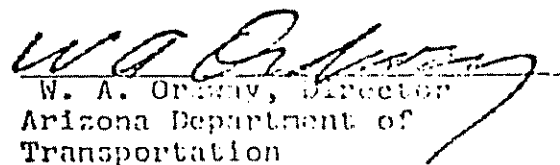
It is further understood and agreed that as the need arises, all future connections to the drainage system hereby created by parties public or private shall be regulated by State's and City's established procedure for issuing permits within the portion of the system under their respective jurisdictions.

Done the day and year first above written.

CITY OF MESA


J. A. Petrie, Manager

STATE OF ARIZONA


W. A. Orsany, Director
Arizona Department of
Transportation

Attested:


City Clerk

STATE OF ARIZONA

COUNTY OF MARICOPA

SS.

Transportation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

My Commission expires:

My Commission Expires April 20, 1978

Lothine J. Beatty
NOTARY PUBLIC

STATE OF Arizona
COUNTY OF Maricopa } ss.

On this the 2nd day of March, 1976, before me,

Delores S. Sould the undersigned officer, personally
appeared J.A. Peterson, Deht & Son - City Clerk of the City of

Mesa Ariz, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

My Commission Expires:

June 7 1979

Delores S. Sould
NOTARY PUBLIC



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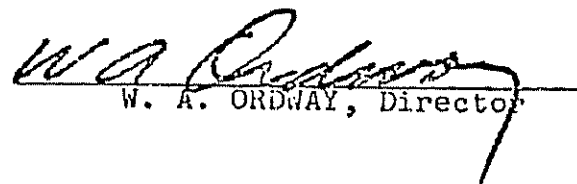
January 16, 1976

KNOW ALL MEN BY THESE PRESENTS that, I, CHARLES K. LUSTER, as Assistant City City Manager of the City of Mesa, Arizona, have determined that it is in the best interests of the City to enter into an intergovernmental agency agreement with the State of Arizona, acting by and through its Department of Transportation, for the joint development of that part of the comprehensive storm drainage system for the City of Mesa which is affected by the proposed Superstition Freeway. Authorization is hereby given for the City to enter into said agreement with the understanding that the agreement in its final form and approved by the Attorney General, shall be formally submitted to the City Council for its approval.

Assistant City Manager

R E S O L U T I O N

BE IT RESOLVED on this the 29th day of January, 1976, that I, W. A. Ordway, Director, Arizona Department of Transportation, have determined that, pursuant to A.R.S. 28-108, it is to the advantage of the State of Arizona that the Department of Transportation, acting by and through its Highways Division, and the City of Mesa, acting by and through its City council, enter into this intergovernmental agency agreement for the development and construction of a combined drainage system in conjunction with the proposed Superstition Freeway, Project F-028-1(3), (6), (7), and (13), Price Road to Gilbert Road, AFE 36001, 36003 and 36007.

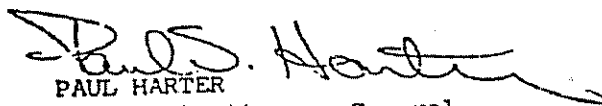

W. A. ORDWAY, Director

APPROVAL OF THE ATTORNEY GENERAL

I hereby state that I have reviewed the proposed intergovernmental agreement, entitled Intergovernmental Agency Agreement, Project F-028-1 General, between the Arizona Department of Transportation and the City of Mesa, and declare the agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 8th day of March, 1976.

FRANK E. BABBITT
1. Attorney General


PAUL HARTER
Assistant Attorney General